PUBLIC COMMENT ON PROPOSED RULE CHANGE

The reasons put forth by the Michigan Board of Bar Examiners in proposing change to rule 2(B)(2) probably seeks to address a perceived problem of allowing foreign attorneys who are not trained in principles of English Common Law to be admitted to the Michigan Bar.

This concern is not only unfounded, but runs counter to practices in force by numerous other jurisdictions, notably California, New York, New Jersey, Massachusetts, Tennessee, Texas to name a few. These jurisdictions only require a foreign attorney only to be admitted to the bar of their home country, no further educational training in the principles of English Common Law is required.
Michigan on the other hand, already restricts admission of foreign attorneys by requiring them to obtain an LLM degree from an ABA law school first, a no mean task to be sure, because admittance to a LLM program in itself speaks well of the bar candidate, who has to then successfully pass the course, specialize in a field of law of his or her choice, then again successfully pass the bar in Michigan before they can be admitted to the bar.

Further, this proposed rule change will have an unintended effect of excluding JD graduates of non-ABA schools in the United States, who wish to avail the LLM route to bar admission in Michigan. All the while no corresponding benefit is derived by such exclusion. These non-ABA graduates will still have to have a ABA approved LLM on top of their JD's obtained in the United States. Graduates from such schools are ever increasing, as more and more jurisdictions move away from a perceived gold standard for legal education conferred by the ABA. Non-ABA schools often turn out graduates who do not fit the traditional law student profile, typically they tend to be older, have professional experience and often are returning adult students who could not attend the typical stratified structured imposed by ABA schools.
Jurisdictions that allow admittance for this type of non-ABA candidate, after being accredited by their home state's accrediting body are also on the rise. California has long been the leader in this category, while Massachusetts, New Jersey, Georgia are the recent notable additions. By preserving this rule, the Michigan bar would continue to attract this type of bar candidate, who, by virtue of expending the extra effort in time and expense of obtaining an LLM, is not only extremely motivated, but also is highly educated and qualified as well.

Finally, changing this rule would adversely affect potential student candidates, who are already enrolled in an ABA approved LLM program, and upon successfully completing the LLM are actively contemplating appearing for the Michigan bar examination.
As a potential candidate for the Michigan bar, I am enrolled in just such a program, the International Taxation Program LLM at St. Thomas University School of Law. Having obtained a JD from a non-ABA school, and upon successfully completing the LLM degree, I will be actively seeking permission to sit for the Michigan bar exam. Eliminating the rule 2(B) (2), mid-stream, will adversely affect students such as myself and others similarly situated, who have relied on Michigan bar's progressive rules to seek bar admission by examination.

I respectfully submit to the Court to keep rule 2(B)(2) intact, as it has served the State of Michigan well.
Or in the alternative
Amend the rule, to allow graduates of non-ABA schools in the United States, upon obtaining a LLM from a ABA approved school to sit for the bar exam in Michigan.
AND/OR
Allow only the graduates of non-ABA schools who are located in countries where the principles of English Common Law form the basis of Law, i.e Canada, England, Australia, and other countries from the English commonwealth. These graduates will still need to have a LLM from an ABA approved school. [New York bar exam rules have similar language]

Keeping the rules intact or amending them slightly as outlined above will preserve, solidify and enhance the quality of the Michigan Bar.

Thank You
Respectfully submitted
Abdul Q Arif